

**Effective 10/1/2024**

**Part 2**  
**Automatic Expungement and Deletion**

**77-40a-201 General provisions for automatic expungement and deletion.**

- (1) Nothing in this section precludes an individual from filing a petition for expungement of records that are eligible for automatic expungement or deletion under this section if an automatic expungement or deletion has not occurred pursuant to this section.
- (2) An automatic expungement performed under this part does not preclude a person from requesting access to expunged records in accordance with Section 77-40a-403 or 77-40a-404.
- (3)
  - (a) The Judicial Council and the Supreme Court shall make rules to govern the process for automatic expungement.
  - (b) The rules under Subsection (3)(a) may authorize:
    - (i) a presiding judge of a district court to issue an expungement order for any case when the requirements for automatic expungement are met; and
    - (ii) a presiding judge of a justice court to issue an expungement order for any justice court case within the presiding judge's judicial district when the requirements for automatic expungement are met.
- (4) An individual does not have a cause of action for damages as a result of the failure to:
  - (a) identify an individual's case as eligible for automatic expungement or deletion under this part; or
  - (b) automatically expunge or delete the records of a case that is eligible under this part.

Amended by Chapter 180, 2024 General Session

**77-40a-202 Automatic deletion for traffic offense by a court.**

- (1) A court shall delete all records for the following traffic offenses without a court order or notice to the prosecuting agency:
  - (a) a traffic offense case that resulted in an acquittal on all charges;
  - (b) a traffic offense case that is dismissed with prejudice, except for a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b); or
  - (c) a traffic offense case for which the following time periods have elapsed from the day on which the case is adjudicated:
    - (i) at least five years for a class C misdemeanor or an infraction; or
    - (ii) at least six years for a class B misdemeanor.
- (2) For a traffic offense case that results in an acquittal, is dismissed, or is adjudicated on or after May 1, 2020, the court shall delete all records for the traffic offense upon identification.
- (3) For a traffic offense case that results in an acquittal, is dismissed, or is adjudicated before May 1, 2020, the court shall delete all records for the traffic offense within one year of the day on which the case is identified as eligible for deletion.

Amended by Chapter 180, 2024 General Session

**77-40a-204 Request for automatic expungement of a case -- Automatic expungement before October 1, 2024, and on and after January 1, 2026.**

- (1)
  - (a) On and after October 1, 2024, but before January 1, 2026, an individual must submit the necessary form to the court to receive an expungement of a case that is eligible under this part.
  - (b) If a form is submitted as described in Subsection (1), the court shall determine whether the individual has a case that qualifies for expungement in accordance with Sections 77-40a-205 and 77-40a-206.
- (2) A court shall automatically expunge a case in accordance with this part if the court identified the case as being eligible for automatic expungement before October 1, 2024, and the requirements for automatic expungement were met under this part.
- (3) On and after January 1, 2026, a court shall automatically expunge a case in accordance with this part if the court identifies the case as being eligible for automatic expungement.
- (4) A court shall make reasonable efforts, within available funding, to expunge a case under Subsection (3) as quickly as practicable with the goal of:
  - (a) expunging a case that resulted in an acquittal on all charges on or after May 1, 2020, 60 days after acquittal;
  - (b) expunging a case that resulted in a dismissal with prejudice, other than a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b), on or after May 1, 2020, 180 days after:
    - (i) for a case in which no appeal was filed, the day on which the entire case against the individual is dismissed with prejudice; or
    - (ii) for a case in which an appeal was filed, the day on which a court issues a final nonappealable order;
  - (c) expunging a clean slate eligible case that is adjudicated or dismissed on or after May 1, 2020, and is not a traffic offense within 30 days of the court determining that the requirements for expungement have been satisfied under Section 77-40a-205; and
  - (d) expunging a case adjudicated or dismissed before May 1, 2020, within one year of the day on which the case is identified as eligible for automatic expungement.

Enacted by Chapter 180, 2024 General Session

**77-40a-205 Automatic expungement of state records for a clean slate case.**

- (1) A court shall issue an order of expungement, without the filing of a petition, for all records of the case that are held by the court and the bureau if:
  - (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a form requesting expungement of a case as described in Section 77-40a-204;
  - (b) the case is eligible for expungement under this section; and
  - (c) the prosecuting agency does not object to the expungement of the case as described in Subsection (6).
- (2) Except as otherwise provided in Subsection (3), a case is eligible for expungement under this section if:
  - (a)
    - (i) each conviction within the case is a conviction for:
      - (A) a misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i);
      - (B) a class B misdemeanor offense;
      - (C) a class C misdemeanor offense; or
      - (D) an infraction; and

- (ii) the following time periods have passed after the day on which the individual is adjudicated:
  - (A) at least five years for the conviction of a class C misdemeanor offense or an infraction;
  - (B) at least six years for the conviction of a class B misdemeanor offense; or
  - (C) at least seven years for the conviction of a class A misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i); or
- (b)
  - (i) the case is dismissed as a result of a successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is dismissed without prejudice;
  - (ii) each charge within the case is:
    - (A) a misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i);
    - (B) a class B misdemeanor offense;
    - (C) a class C misdemeanor offense; or
    - (D) an infraction; and
  - (iii) the following time periods have passed after the day on which the case is dismissed:
    - (A) at least five years for a charge in the case for a class C misdemeanor offense or an infraction;
    - (B) at least six years for a charge in the case for a class B misdemeanor offense; or
    - (C) at least seven years for a charge in the case for a class A misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i).
- (3) A case is not eligible for expungement under this section if:
  - (a) the individual has a total number of convictions in courts of this state that exceed the limits under Subsection 77-40a-303(4) or (5) without taking into consideration:
    - (i) the exception in Subsection 77-40a-303(7); or
    - (ii) any infraction, traffic offense, or minor regulatory offense;
  - (b) there is a criminal proceeding for a misdemeanor or felony offense pending in a court of this state against the individual, unless the proceeding is for a traffic offense;
  - (c) for an individual seeking an automatic expungement on and after January 1, 2025, the individual is incarcerated in the state prison or on probation or parole that is supervised by the Division of Adult Probation and Parole created in Section 64-14-202;
  - (d) the case resulted in the individual being found not guilty by reason of insanity;
  - (e) the case establishes a criminal accounts receivable that:
    - (i) has been entered as a civil accounts receivable or a civil judgment of restitution and transferred to the Office of State Debt Collection under Section 77-18-114; or
    - (ii) has not been satisfied according to court records; or
  - (f) the case resulted in a plea held in abeyance or a conviction for the following offenses:
    - (i) any of the offenses listed in Subsection 77-40a-303(2)(a);
    - (ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against the Individual;
    - (iii) a weapons offense in violation of Title 76, Chapter 11, Weapons;
    - (iv) sexual battery in violation of Section 76-5-418;
    - (v) an act of lewdness in violation of Section 76-5-419 or 76-5-420;
    - (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
    - (vii) damage to or interruption of a communication device in violation of Section 76-6-108;
    - (viii) a domestic violence offense as defined in Section 77-36-1;

- (ix) driving under the influence of alcohol, drugs, or a combination of both, or with specified or unsafe blood alcohol concentration, as codified before February 2, 2005, Laws of Utah 2005, Chapter 2; or
  - (x) any other offense classified in the Utah Code as a felony or a class A misdemeanor other than a class A misdemeanor conviction for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i).
- (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal Procedure shall receive notice on a monthly basis for any case prosecuted by that agency that appears to be eligible for automatic expungement under this section.
- (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah Rules of Criminal Procedure if the prosecuting agency objects to an automatic expungement for any of the following reasons:
- (a) the prosecuting agency believes that the case is not eligible for expungement under this section after reviewing the agency record;
  - (b) the individual has not paid restitution to the victim as ordered by the court; or
  - (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an individual involved in the case is continuing to engage in criminal activity within or outside of the state.
- (6) If a prosecuting agency provides written notice of an objection for a reason described in Subsection (5) within 35 days after the day on which the notice under Subsection (4) is sent, the court may not proceed with automatic expungement of the case.
- (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent without the prosecuting agency providing written notice of an objection under Subsection (5), the court shall proceed with automatic expungement of the case.
- (8) If a court issues an order of expungement under Subsection (1), the court shall:
- (a) expunge all records of the case held by the court in accordance with Section 77-40a-401; and
  - (b) notify the bureau and the prosecuting agency identified in the case, based on information available to the court, of the order of expungement.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session

Amended by Chapter 214, 2025 General Session

Amended by Chapter 239, 2025 General Session

**77-40a-206 Automatic expungement of state records for a case resulting in an acquittal or dismissal with prejudice.**

- (1) A court shall issue an order of expungement, without the filing of a petition, for all records of the case that are held by the court and the bureau if:
- (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a form requesting expungement of a case as described in Section 77-40a-204; and
  - (b) the case is eligible for expungement under this section.
- (2) Except as provided in Subsection (3), a case is eligible for expungement under this section if:
- (a)
    - (i) the case resulted in an acquittal on all charges; and
    - (ii) at least 60 days have passed after the day on which the case resulted in an acquittal; or
  - (b)
    - (i) the case is dismissed with prejudice; and

- (ii) at least 180 days have passed after the day on which:
  - (A) for a case in which no appeal was filed, the entire case against the individual is dismissed with prejudice; or
  - (B) for a case in which an appeal was filed, a court issues a final nonappealable order.
- (3) A case is not eligible for expungement under Subsection (2) if:
  - (a) the case resulted in an acquittal because the individual is found not guilty by reason of insanity; or
  - (b) the case is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b).
- (4) If a court issues an order of expungement under Subsection (1), the court shall:
  - (a) expunge all records of the case held by the court as described in Section 77-40a-401; and
  - (b) notify the bureau and the prosecuting agency identified in the case, based on information available to the court, of the order of expungement.

Enacted by Chapter 180, 2024 General Session

**77-40a-207 Automatic expungement by the bureau.**

- (1) Upon receiving notice from a court of an expungement order under this part, the bureau shall expunge all records of the case in accordance with Section 77-40a-401.
- (2)
  - (a) Notwithstanding Subsection (1) or Section 77-40a-205, the bureau may request that a court vacate an expungement order issued under this part if the bureau determines that:
    - (i) the order is expunging:
      - (A) a case that was dismissed as a result of a plea held in abeyance; or
      - (B) a conviction of an offense; and
    - (ii) the offense was not eligible for expungement under this part at the time that the court issued the order.
  - (b) The court shall vacate an expungement order issued under this part if the court determines that the offense was not eligible for expungement under this part at the time the court issued the order.
- (3) The bureau shall forward a copy of the expungement order to the Federal Bureau of Investigation.
- (4) Except for the court and the bureau, an agency is not required to expunge all records of a case that is automatically expunged under this part.

Amended by Chapter 239, 2025 General Session